BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Property
Planning and Building Control

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/0591

To MDB Planning
92 North Park Avenue
Leeds
LS8 1HP

DESCRIPTION Retail development consisting of 2 new shop units (use class A1), three new retail kiosks (use class A1and/or A3), and amendments to previously approved (2016/0033) retail unit and carpark.

LOCATION Hoyland Market, Market Street, Hoyland, Barnsley, S74 9QR

Permission is granted for the proposals which were the subject of the Application and Plans registered by the Council on 24 May 2017 and described above.

The approval is subject on compliance with the following conditions:

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: **In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. 4345-120-L, 4345-125-L, 4345-126-I, 4345-127-E, 4345-141-K, 4345-143-K, 4345-147-G & 4345-148-F) and specifications as approved unless required by any other conditions in this permission.
Reason: **In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.**

3 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: **To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

4 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: **In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

5 On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority
Reason: **In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

6 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: **In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

7 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: **In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.**

8 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: **In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

9 The development shall not be brought into use until a service yard management plan (including measures to control noise and disturbance) and a car park management plan has been submitted and approved in writing by the Local Planning Authority. The approved plans shall then be strictly adhered to thereafter.
Reason: **In the interests of amenities of local residents and highway safety in accordance with Core Strategy Policies CSP26 & CSP 40.**

10 Upon commencement of development, full details of both hard (materials for walls, surfaces, furniture & Boundary treatments) and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall include any element of furniture and shall be implemented prior to the occupation of the buildings.
Reason: **In the interests of the visual amenities of the locality.**

11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: **In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**

12 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: **In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

13 Deliveries shall only take place between the hours of 0700 & 2100hrs Monday to Saturday and 0900 & 1800 on Sundays and Bank Holidays.
Reason: **In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: **To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

15 The glazing within the approved kiosks shall be kept clear and transparent at all times.
Reason: **In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**

16 Prior to occupation of the buildings/commencement of the use, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.
Reason: **In the interests of encouraging recycling and visual amenity in accordance with Core Strategy Policy CSP 40.**

17 Prior to the occupation of any of the approved buildings a scheme describing the methodology to be employed to control litter and minimise waste from being deposited in the street shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall, amongst other matters, provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customer of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins or other facilities provided pursuant to the requirements of this condition shall be retained and maintained for the duration of the development and the use shall operate in complete accordance with the approved scheme.
Reason: **In the interests of the visual amenity of the locality in accordance with Core Strategy Policy CSP 40.**

18 The units and kiosks herby permitted shall be open to trade with the public only between the hours of 08.00 to 22.00 Monday to Saturday and 09.00 to 21.00 on Sundays or Bank Holidays.
Reason: **In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

19 Prior to occupation of the buildings/commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: **In the interest of visual and residential amenity in accordance with Core Strategy Policy CSP 40.**

20 Prior to occupation of the building/commencement of the use, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.
Reason: **To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.**

Informative(s)

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

1	The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on website at: www.gov.uk/government/organisations/the-coal-authority
2	The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

Signed JM Jenkinson Dated 08 August 2018
Joe Jenkinson
Head of Planning and Building Control

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.